

DOCKET FILE COPY ORIGINAL
Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Truth-in-Billing and Billing Format) CC Docket No. 98-170

COMMENTS

Sprint Corporation, pursuant to the Public Notice released August 13, 1999 (DA 99-1616), hereby respectfully submits its comments in support of the petitions for stay and/or waiver filed by Ameritech, Cable Plus, SBC, USTA and US West in the above-captioned proceeding.¹ Petitioners have asked for waiver of Section 64.2001(a)(2) of the Commission's rules, which requires that carriers identify new service providers,² and Section 64.2001(c), which requires that carriers distinguish between deniable and non-deniable charges.

As petitioners have explained, there are sound technical, business, and public policy reasons for granting the requested waivers:

- The databases needed to identify all new service providers and to distinguish between deniable and non-deniable charges do not currently exist and cannot be developed before the tentative September 6, 1999 effective date of the rules.³

¹ Sprint Corp. also filed a Petition for Stay or Waiver and Partial Clarification on July 26, 1999.

² Under the Commission's rules, "new service providers" include any provider that did not bill for services on the previous billing statement. This definition encompasses not only new primary carriers, but also carriers who provide dial-around, operator, directory assistance, and pay-per-call services, to the extent that these carriers did not bill the end user on the previous invoice.

³ See, e.g., Ameritech, p. 3; Sprint, p. 15; US West, p. 6, 15.

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- Compliance with both of these rules would require programming changes which could potentially interfere with Y2K remediation efforts.⁴
- End users would not be harmed if the petitions are granted. Consumers are protected by existing rules and notification practices relating to disconnection of basic local service for non-payment of toll or other services, and some local carriers already render bills which can (or soon will be able to) identify new primary carriers (thereby satisfying the ultimate Commission goal of making it easier for end users to tell when they have been slammed).⁵
- Carriers will suffer serious economic harm (both expenditure of funds and reallocation of scarce programming resources already committed to other projects) if they are forced to try to meet the September 6, 1999 deadline. Indeed, as a practical matter, it seems unlikely that any of the petitioners can meet a deadline which is now only 3 days away.⁶

Given these circumstances, Commission grant of the requested waivers is fully warranted.

While Sprint supports petitioners' instant requests for waiver/stay, we do not support Ameritech's and USTA's request that the Commission clarify that "new service provider" be defined as providers that have not submitted charges for six months.⁷ Ameritech and USTA correctly point out that Section 64.2001(a)(2) could result in identification of a service provider

⁴ See, e.g., Ameritech, p. 4; Sprint, p. 8; USTA, p. 8.

⁵ See, e.g., Sprint, p. 10; Ameritech, p. 6.

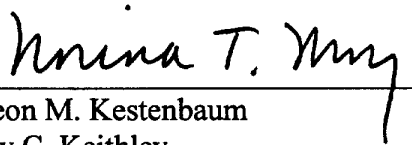
⁶ See, e.g., Sprint, p. 10; Ameritech, p. 5; USTA, p. 6.

⁷ See Ameritech, p. 6; USTA, p. 3.

who has an on-going relationship with the end user as new, depending upon the date the provider submits its charges and the date the LEC closes a billing cycle. However, the simpler, and better means of addressing the underlying problem of slamming is to limit Section 64.2001(a)(2) to identification of new presubscribed carriers. Billing end users for operator-assisted, dial-around, directory assistance, and pay-per-call services rendered does not constitute a slam; use of any of these services does not affect a consumer's primary carrier. Moreover, use of any of these services requires affirmative action on the part of the consumer; for example, the billed party must accept an operator-assisted call before such call is completed, and a caller must dial a 7-digit access number to use dial-around services. The billed party knowingly used these services and must expect to be billed for them. Identifying an operator or dial-around service provider as a "new" service provider offers no protection against slamming, and indeed, such identification is only likely to confuse the end user.

Respectfully submitted,

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September 3, 1999

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Comments of Sprint Corporation** was sent by hand or by United States first-class mail, postage prepaid, on this 3rd day of September, 1999 to the parties on the attached list.


Christine Jackson

September 3, 1999

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